

## In Inland Empire, a New Push to Attract Minority Judges

**By Jason W. Armstrong**

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RIVERSIDE - A State Bar investigator who has advised Gov. Arnold Schwarzenegger on his judicial picks in the past is mounting a push to get more minorities to apply for bench seats in the Inland Empire.

Tom Layton is working to try to help Schwarzenegger make more diverse bench selections as the governor prepares to appoint 50 new judges statewide beginning this summer.

Layton's efforts come as an apparent bid to blunt stinging criticism aimed at Schwarzenegger for his lack of minority appointments to the bench. Of his 213 appointments since 2003, the governor's selections have been 7.5 percent Latino, 4.7 percent African-American and 7.8 percent Asian.

Of the state's 1,600 judges, 70 percent are white. Latinos account for 35 percent of the state's population but represent only 7 percent of judges.

In August, Assembly Speaker Fabian Nunez, D-Los Angeles, slashed in half the number of new judges the state was to get, saying the governor hadn't shown a commitment to diversity in his picks. He unfroze funding for the slots only after Schwarzenegger promised to disclose ethnic and racial data supplied by judicial applicants, a move Nunez agreed will help in diversifying the bench.

Layton, who helped vet several judge candidates statewide last year, now is shifting his focus to the Inland Empire. The area, which encompasses fast-growing Riverside and San Bernardino counties, is slated to get 15 of the 50 new judges on tap for the state, with seven going to Riverside and eight to San Bernardino.

Layton said he wants to make sure the area, whose population is 40 percent Latino, gets "a lot" more minorities with the new appointments. He said he plans to contact bar groups and leaders in the local minority legal community to get the word out.

"We're trying to promote ethnic diversity with these new appointments," said Layton, a former Los Angeles County sheriff's narcotics deputy who has been a State Bar investigator for eight years. "A lot of the new positions are going to [the Inland Empire], so we really want to start getting the word out there."

Timothy A. Simon, who oversaw all of Schwarzenegger's appointments until March, said Layton has been a "valuable resource" in helping boost diversity of the governor's southern California judicial selections. In March, Schwarzenegger appointed Simon to the state Public Utilities Commission.

Layton didn't work directly with Schwarzenegger. He said Simon was his contact over the past year.

"I found his referrals to aid me considerably," Simon said. "Tom has been a very visible and reliable resource for [Schwarzenegger's] administration."

Layton said he and several law enforcement groups he works closely with, including the California chapter of the National Latino Police Officers Association, have vouched for several judges in letters and phone calls with the governor's office.

He said those included Samantha Jessner, whom Schwarzenegger appointed to the Los Angeles County Superior Court bench this month. Jessner is African-American.

Simon declined to identify any judges referred by Layton.

Layton said he hasn't had a chance to meet with the governor's current appointments secretary, Rick Sarmiento, or Sharon Majors-Lewis, whom Schwarzenegger named in March to succeed John Davies as judicial appointments secretary.

Majors-Lewis' selection is seen as a sign of the governor's move to diversify the state's trial-court benches in the wake of criticism for not picking many minority judges. Majors-Lewis, who is African-American, is the first minority and woman judicial appointments secretary in California.

Though she hasn't met Layton, Majors-Lewis said, she supports his efforts and the efforts of the law enforcement groups he's working with to help find more diverse bench candidates.

"To the extent Mr. Layton is working on [diversity, it] is a good thing," Majors-Lewis said. "It's important to encourage people from all groups to apply for the bench."

Layton has advised other governors, including Schwarzenegger's predecessor, Gray Davis, about potential minority bench candidates.

Los Angeles attorney Thomas Girardi said Layton's recommendations also have weight because of his ties to law enforcement groups.

"I think he's looked at as someone who has a very strong law enforcement background," Girardi, a name partner with Girardi & Keese, said. "I think the governor has been anxious to get opinions of law enforcement with respect to his appointments."

"There's nothing official about Tom Layton in terms of any big-time title with the governor's office," Girardi said. "But he is indeed massively respected by law enforcement and the bar, as well. He's taken seriously."

Layton said he has started hunting for diverse candidates in the Inland Empire.

Alicia Villarreal, founder and board member of the Los Angeles-based Mexican American Bar Foundation, said Layton recently contacted her for references of qualified Latino candidates in Riverside or San Bernardino counties.

Villarreal said she wasn't familiar enough with the area to give him names. She said Layton's query showed that Schwarzenegger's office is "committed to getting the word out" to try to persuade Latinos and other ethnic groups to seek judgeships.

"Because of the makeup of the population there, there's an extreme shortage of Latino judges on the bench," Villarreal, a partner with Los Angeles's Morgan Lewis & Bockius, said.

Layton said he also will be seeking African-American and Asian candidates.

Statewide, African-Americans constitute 6 percent of the population but only 5 percent of judges. Asians make up 11 percent of the population but only 5 percent of the bench, according to State Bar statistics.

In Riverside, 6 percent of the population is Asian, and 5 percent is African-American.

In San Bernardino, 5 percent of the population is Asian, and 9 percent is African-American.

Riverside has 69 judges and commissioners, and San Bernardino has 75.

Less than 10 percent of those bench officers are minorities.

To get the word out in those counties, Layton said he plans to talk to members of groups, such as the 60-member Inland Empire Latino Lawyers Association.

The counties are doing their own outreach to boost diversity. Riverside held a seminar this week and San Bernardino has one planned for next month geared at educating attorneys and judges about the need for more minorities on the bench.

Layton said he's been pushing especially hard to help Schwarzenegger build a more diverse bench after the governor was criticized last year for not naming enough nonwhite jurists.

In releasing his judicial candidate makeup data in March, Schwarzenegger said he had made strides in getting a more diverse cross section of applicants. Because of outreach efforts, Schwarzenegger said, the minority judicial applicant pool jumped 29 percent in 2006.

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